

"Since such shank devices are located . . . ." The phrase "such shank devices" refers to the preceding sentence at page 23, lines 6-12 which states "Any other such rigid device . . . such as a conventional shoe shank providing support to the long arch of the foot in the instep area . . . must also be penetrated fully by deformation sipes in order for the shoe's sole's deformation to be parallel to that of the foot." (Emphasis added). In other words, the discussion in Ellis of the possibility of deformation sipes not penetrating the shank devices was only in reference to shank devices in the instep area rather than that of the heel area. Any other interpretation would be clearly inconsistent with Ellis' statement at page 23, lines 3-4 that the "rigid layer 174 would obviously have to be penetrated by the deformation sipes . . . ." This is because the layer 174 is that shown in Fig. 14, which Ellis describes as being a cross section at the heel (page 22, lines 34-35).

For the foregoing reasons the amended claims are considered to contain allowable subject matter.

Respectfully submitted,

  
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